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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,541	11/29/2001	Derek Forbes	ACO 6194 US	7266
27624 7590 04/23/2007 AKZO NOBEL INC. INTELLECTUAL PROPERTY DEPARTMENT 120 WHITE PLAINS ROAD 3RD FLOOR TARRTOWN, NY 10591			EXAMINER TSOY, ELENA	
			ART UNIT 1762	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/997,541

Applicant(s)

FORBES ET AL.

Examiner

Elena Tsoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 15, 2007 has been entered.

***Response to Amendment***

Amendment filed on March 15, 2007 has been entered. New claims 12-19 have been added. Claims 2-19 are pending in the application.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 2, 3, 10, 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Larson et al (US 5,425,968).

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Larson et al are applied here for the same reasons as set forth in paragraph 3 of the Office Action mailed on 9/06/2005 and paragraph 3 of the Office Action mailed on 3/15/2006.

Larson et al disclose a process for making and applying a coating composition using a plural component apparatus (See column 1, lines 10-18) employing in some cases *more than two* (claimed at least three) packages or components (See column 1, lines 59-61; column 5, lines 40-48) such as a combination of functional groups: amine/isocyanate, hydroxy/isocyanate, **hydroxy/isocyanate/amine** (claimed three components), amine/epoxy, **amine/epoxy/isocyanate** (claimed three components) (See column 9, lines 50-60). Larson et al teach that FIG. 1 shows one embodiment of a system including *containers* of coating materials, a volumetric proportioner, a static mixer, and a spray gun wherein a volumetric proportioner 3 is shown connected, at one end, to *separate* supply container 1 of component A and a supply container 2 of a component B both connected to the volumetric proportioner 3 which provides a controlled ratio of the two components to a static mixer 5. See column 4, lines 40-60. FIG. 2 shows a diagram of one embodiment of a proportioning device 14, hereafter referred to as a volumetric proportioner, for use with a *two* package system made up of components A and B. The skilled artisan will readily appreciate that the design of this embodiment can be **analogously modified** for a **three or more** package system (See column 5, lines 45-48). Clearly (or obviously), in the **analogously modified** system for **three or more** package system, there would be **three or more separate containers** (claimed apparatus components).

Larson et al teach that a **separate cylinder and piston** may be used for *each* component although various configurations of pistons and cylinders and their cooperation are available to the skilled artisan for use in such a proportioning device (See column 3, lines 48-53). However, in the present embodiments, the movement of the separate pistons is simultaneous, by physical

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connection or other means, and the stroke length of each is the same. By this means, if only one component is supplied under pressure, it can provide the energy to "pump" the other components through the proportioning device (See column 3, lines 53-59).

Clearly, changing the stoichiometric ratio of the components in a system of Larson et al can be carried out *without dismantling the apparatus* because separate cylinder and piston used for *each* component would allow delivering the components in *any* predetermined amount *without dismantling the apparatus*.

4. Claims 2-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Larson et al (US 5,425,968) for the reasons of record set forth in paragraph 5 of the Office Action mailed on 3/15/2006 because the scope of new claims 12-19 are within the scope of claims 2-11.

#### ***Response to Arguments***

5. Applicants' arguments filed March 15, 2007 have been fully considered but they are not persuasive.

(A) Applicants argue that claims 9, 2, 3, 10 and 11 are not anticipated by Larson '968, because claims 9, 10 and 11 as amended require each of coating composition components A, B, and C to be in separate apparatus components of the plural component apparatus. Applicants see no such requirement in Larson '968. Larson '968 does teach at col. 1, lines 59-61 that a catalyst may be present in a third component. However, unlike the current claims 9, 10 and 11, Applicants see no teaching in Larson to place a functional group containing coating composition component in a third apparatus component. On this basis alone, claim 9 (and dependent claims 2 and 3), 10 and 11 are novel over Larson and withdrawal of the rejection is requested.

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The Examiner respectfully disagrees with this argument. First of all, claim 9 does not recite, "placing a functional group containing coating composition component in a *third* apparatus component". Secondly, meaning of a "*third* apparatus component" is not clear, i.e. which of three apparatus components of claim 9 is a "third" one. Thirdly, Larson et al a plural component system (See column 1, lines 10-18) employing in some cases *more than two* (claimed **at least three**) packages or components (See column 1, lines 59-61; column 5, lines 40-48) such as a combination of functional groups: amine/isocyanate, hydroxy/isocyanate, **hydroxy/isocyanate/amine** (claimed three components), amine/epoxy, **amine/epoxy/isocyanate** (claimed three components) (See column 9, lines 50-60) wherein a separate cylinder and piston is used for *each* component (See column 3, lines 48-53). Therefore, Larson teach placing a functional group containing coating composition component in *any* of plurality apparatus components, i.e. including "third" one.

(B) Applicants traverse rejection over Larson '968 in view of Vu '560 because Vu '560 fails to correct the deficiency of Larson '968.

The Examiner respectfully disagrees with this argument. As was discussed above, the Examiner does not agree with the Applicants that Larson has deficiency discussed in paragraph (A) above. Vu is a secondary reference which is relied upon not to remedy deficiency discussed by Applicants in (A), but to show that if a mixture of an aliphatic and an aromatic isocyanate is used, due to the difference in reactivity ratios of these reactants, the aliphatic moieties will predominate at the terminus locations since they react more slowly than aromatic isocyanates with --OH groups.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Thursday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy  
Primary Examiner  
Art Unit 1762

ELENA TSOY  
PRIMARY EXAMINER



April 19, 2007